



COUNTY OF LOS ANGELES

OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION

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LOS ANGELES, CALIFORNIA 90012-2713

LLOYD W. PELLMAN
County Counsel

August 22, 2003

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TO: SUPERVISOR YVONNE BRATHWAITE BURKE, Chair
SUPERVISOR GLORIA MOLINA
SUPERVISOR ZEV YAROSLAVSKY
SUPERVISOR DON KNABE
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: LLOYD W. PELLMAN 
County Counsel

RE: **Invocations at Meetings of the Board of Supervisors**

At the request of Supervisors Yvonne Brathwaite Burke and Don Knabe, this office investigated concerns regarding the opening invocation delivered at a recent meeting of your Board.

In separate letters dated July 20, 2003 to Supervisors Burke and Knabe, as well as to my office, Ms. Sonia Appell discussed her views on an invocation delivered by Reverend Martin Brauer at the May 20, 2003 meeting of your Board. Copies of Ms. Appell's letters are enclosed.

Ms. Appell learned of Reverend Brauer's invocation from an article published by Americans United for the Separation of Church and State. Citing the diversity of religions represented at your meetings, she suggested that a moment of silence would be more appropriate than an invocation. She also inquired as to what actions were taken by your Board with regard to Reverend Brauer and what actions would be taken in the future against individuals who do not adhere to the County's guidelines for invocations.

As your Board is aware, the County's guidelines were developed in October of 2002, in response to *Rubin v. City of Burbank*. In that decision, the California Court of Appeal held that a local legislative body was enjoined from knowingly and intentionally allowing sectarian prayer at its meetings. The Court also held that the legislative body must advise speakers conducting invocations that sectarian prayers are not permitted.

Consistent with *Rubin*, your Board instituted reasonable steps to prevent sectarian prayer at your meetings. Members of your staff provide a copy of the guidelines to each invitee and discuss the guidelines with the individual before he or she accepts the invitation. The guidelines clearly state that voluntary participation in the invocation ceremony indicates acceptance of the guidelines. Prior to the meeting each participant is reminded of the guidelines, both orally and in writing by the Executive Office. At each step, an individual who is uncomfortable or disagrees with the guidelines is provided the option of declining the invitation.

However, an intentional violation of the invocation guidelines by a speaker could occur despite the efforts of your Board to prevent such conduct.

As speakers at the invocation ceremonies are volunteers, your Board is limited as to what "actions" may be taken against those person who violate the guidelines. Moreover, there may be instances in which a person who has every intention of adhering to the guidelines may *inadvertently* include a name specific to a religious organization or denomination in his or her invocation, which would not constitute a violation of the holding of *Rubin v. City of Burbank*.

Taking these factors into account, your Board may wish to institute a policy to prohibit those individuals who intentionally violate the guidelines from future participation in the opening ceremonial portion of your meetings.

LWP:NMT:lm

Enclosures

c: David E. Janssen
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer
Board of Supervisors

7/23
01-2003
11570 Nebraska Avenue #2
Los Angeles, CA 90025

Sonia Appell
11570 Nebraska Avenue #2
Los Angeles, CA 90025

July 20, 2003

Yvonne B. Burke
L.A. County Board of Supervisors
866 Kenneth Hahn Hall of Administration
100 W. Temple St.
Los Angeles, CA 90012

Re: Reverend Martin Brauer

Dear Supervisor Burke:

I am enclosing an article from a publication called Church & State which is published by the organization Americans United for the Separation of Church and State. This article is about the invocation delivered by Rev. Brauer on May 27 in which he defiantly ignored the guidelines for invocations because he considers the guidelines "silly." What are the consequences for clergy who do not abide by the guidelines? Will they be fined? Will they be jailed? In my opinion, the consequences must be severe enough so that no other clergy will be motivated to ignore the law. In any case, under no circumstances should they be given a second chance.

Because of Rev. Brauer's invocation, everyone who attends a board meeting from now on will be waiting with baited breath to hear the ending of the invocation and, if it is a lawful ending, a sigh of relief will be heard throughout the room. If it is an unlawful ending, how will the supervisors react?

Perhaps, it is time for the Supervisors to eliminate invocations altogether. They serve no purpose except to get the audience quiet. Considering the diversity of religions represented at board meetings, I think a moment of silence would be more appropriate than an invocation. Then people can end their prayers anyway they like, and those of us who don't pray could relax during a moment of quiet.

I am looking forward to hearing from you about:

1. the actions taken against Rev. Brauer
2. actions that will be taken in the future against clergy who decide to take the law into their own hands.

Very truly yours,

Sonia Appell

Sonia Appell
11570 Nebraska Avenue #2
Los Angeles, CA 90025

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DON KNABE
SUPERVISOR
4TH DISTRICT

July 20, 2003

Don Knabe
L.A. County Board of Supervisors
856 Kenneth Hahn Hall of Administration
100 W. Temple St.
Los Angeles, CA 90012

Re: Reverend Martin Brauer

Dear Supervisor Knabe:

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2. actions that will be taken in the future against clergy who decide to take the law into their own hands.

Very truly yours,

Sonia Appell

Sonia Appell
11570 Nebraska Avenue #2
Los Angeles, CA 90025

July 17, 2003

Bill Pellham
County Counsel
648 Kenneth Hahn Hall
500 W. Temple St.
Los Angeles, CA 90012

Dear County Counsel Pellham:

I am enclosing an article which appeared in the monthly magazine Church & State which is published by the organization Americans United for the Separation of Church and State. This article contains a quote made by you to the Daily News regarding Rev. Martin Brauer's violation of the County guidelines for guest ministers. In this quote you said, "We may have to consider that people who violate the law will not be re-invited to the ceremonial portion of board meetings." My only problem with this quote is with the word "may." Is there some reason why you didn't say that people who violate the law **will not be invited back**? What Rev. Brauer did was defiant, not in the community's best interest, and disrespectful to everyone in the audience who does not agree with his religious beliefs. There must be a consequence strong enough to discourage other religious personnel from misusing their invitation to deliver the invocation at a Board of Supervisors meeting. I think the County Counsel **must** consider a consequence, and I would very much like to know what the consequence for Rev. Brauer will be.

I am looking forward to your reply.

Very truly yours,

Sonia Appell

Church & State Magazine
July/Aug. 2003

Dispute Over Sectarian City Council Prayers Sparks Debate In Calif.

Communities in California are wrestling with the issue of sectarian prayers before governmental meetings in the wake of a court ruling banning such invocations.

The controversy began in 1999 when the late Irv Rubin, chairman of the Jewish Defense League, sued to block sectarian prayers before sessions of the Burbank City Council. Rubin was angered after he attended a city council meeting and heard an opening prayer in the name of Jesus Christ.

Rubin filed a lawsuit in the California courts and won. In May, the U.S. Supreme Court refused to hear another appeal of the *City of Burbank v. Rubin* case, thus leaving in place the ban on sectarian prayers before governmental

meetings.

Some elected officials are experiencing difficulty getting guest clergy to play by the new rules. On May 27, a Lutheran minister offered the opening prayer before a session of the Los Angeles County Board of Supervisors and cited Jesus, calling him "the only mediator between God and man."

The Rev. Martin Brauer of Bethlehem Lutheran Church in Santa Clarita told the *Los Angeles Daily News* that he was aware of the rules but considered them "silly" and refused to abide by them.

County guidelines ask guest ministers to "please keep in mind that you may not call upon or invoke names specific to a particular doctrine or denomination. Your voluntary participation in the invocation indicates that you will abide by the guidelines."

County Counsel Bill Pellham told the newspaper that the county may take note of which clergy disregard the guidelines.

"We may have to consider that people who violate the law will not be re-invited to the ceremonial portion of board meetings," he said.

Shelley Rubin, widow of Irv Rubin, said she would monitor local communities to make sure they are in compliance and file more lawsuits if necessary.